IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital January 19, 2005
Criminal Misc. Bail Application No. 1094/2004
Order on the bail application of accused.

CRIMINAL SIDE

Ram Murti,
S/o Sri Bijendra Singh Gusain
R/o village Holta, Patti Nelchami,,
District Tehri Garhwal, at present,
Ogla Bhatta, Clementown, Dehradun

..... Applicant

Versus

State of Uttaranchal ..... Opposite Party.

Arising out of Case Crime No. 98/2004
U/S 377 of the I.P.C.
Police Station Clementown,
District Dehradun

By the Court

Hon'ble B.S. Verma, J.

Heard Sri Pradeep Lohani, learned counsel for the applicant, and learned A.G.A. for the State.

The applicant has applied for bail in Case Crime No. 98/2004, under Section 377 of the Indian Penal Code, of P.S. Clementown, district Dehradun.

Perused the record. It has been contended by the learned counsel for the applicant that there has been inordinate delay in lodging the First Information Report. It has also been contended that the factum of carnal intercourse/sodomy is not made out from the medical report and that the applicant has been falsely implicated in the case at the instance of wife of the complainant. It has also been submitted that the applicant is a student of B.S.C. and has been confined in jail since 28.10.2004.

Having considered the facts, particularly delay in lodging the F.I.R., and the circumstances of the case as well as the submissions of the learned counsel, I am of the opinion that it is a case fit for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

(B.S. Verma, J.)

Dated: 19.01.2005
RCP